

**STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

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**EXECUTIVE DIRECTOR
Steven S. Sandvoss**

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Ernest L. Gowen, Vice Chairman
William J. Cadigan
Andrew K. Carruthers
Betty J. Coffrin
John R. Keith
William M. McGuffage
Casandra B. Watson

- AMENDED -

**AGENDA
STATE BOARD OF ELECTIONS
BOARD MEETING
Friday, April 15, 2016
10:30 a.m.**

James R. Thompson Center – Room 2-025
Chicago, Illinois
and via videoconference
2329 S. MacArthur Blvd.
Springfield, Illinois

Roll call.

1. Approval of the minutes from the March 14 meeting. (pgs.1-4)
2. Proclamation of results from the March 15, 2016 General Primary Election.
3. Report of the General Counsel
 - a. Campaign Disclosure;
Appeals of campaign disclosure fines – hearing officer recommendation appeals be granted
 - 1) *SBE v. Bremen Township Regular Democratic Organization*, 509, 15SQ099; (pgs.5-7)
 - 2) *SBE v. Republican Club of Evanston*, 19452, 16DQ037; (pgs.8-11)
 - 3) *SBE v. Friends for Senor*, 28438, 16AD012; (pgs.12-18)
 - 4) *SBE v. Citizens to Elect Judge Loftus*, 31655, 15AS042; (pgs.19-25)Appeals of campaign disclosure fines – hearing officer recommendation appeals be denied
 - 5) *SBE v. Petroleum Political Education Committee of IL*, 308, 15MA106; (pgs.26-30)
 - 6) *SBE v. Edwards County Republican Central Committee*, 1148, 15SQ013; (pgs.31-33)
 - 7) *SBE v. Northern IL Alliance of Fire Protection Districts PAC*, 10576, 16DQ017; (pgs.34-37)
 - 8) *SBE v. Nameoki Township Precinct Committeemen*, 14620, 16DQ024; (pgs.38-42)
 - 9) *SBE v. Citizens for David Webb*, 15753, 15AS024; (pgs.43-47)
 - 10) *SBE v. IVCA-PAC*, 17057, 15AS027; (pgs.48-51)
 - 11) *SBE v. Friends of Camille Y Lilly*, 22767, 15AD110; (pgs.52-54)
 - 12) *SBE v. Friends of Paul Mulcahy*, 24669, 15DQ093; (pgs.55-57)
 - 13) *SBE v. YES for District 112 Referendum*, 27270, 15AM096; (pgs.58-61)
 - 14) *SBE v. Friends of Charles “Chuck” Givines*, 27330, 15MQ202; (pgs.62-64)
 - 15) *SBE v. Friends of Bill Sullivan*, 31671, 15SQ161; (pgs.65-67)

Complaint following public hearing

16) *Johnson v. Kane County Conservative Coalition*, 15CD102; (pgs.68-88)

Other campaign disclosure items

17) Consideration of revised Settlement Offer Guidelines; (pgs.89-90)

17.a) Random audits of political committees;

18) Assessments/Board Orders; (pgs.91-95)

19) Payment of civil penalties – informational; (pgs.96-97)

Complaints following closed preliminary hearing – separate packet

20) *Kaye & Cabay v. Liberty Principles PAC*, 16CD096 & 16CD098 – motion to reconsider; (pgs.1-45)

21) *Schenk v. Cowlin*, 16CD102; (pgs.46-51)

Complaints following closed preliminary hearing – hearing officer recommendation
complaints be upheld and proceed to a public hearing

22) *SBE v. We the People*, 16CD031; (pgs.52-54)

23) *SBE v. Friends of David Moore*, 16CD035; (pgs.55-57)

24) *SBE v. Friends of Casey Johnson*, 16CD039; (pgs.58-60)

Complaint following closed preliminary hearing – hearing officer recommendation

complaint be upheld but no further action required beyond the imposition of a civil penalty

25) *SBE v. Citizens for Mark Calonder*, 16CD068. (pgs.61-70)

4. Report of the Executive Director

a. March 15, 2016 General Primary Election update;

1) Post election report; (pg.98)

2) Late precinct reporting; (pgs.99-102)

3) Election judge training schools – informational; (pgs.103-104)

b. Consideration of Rules of Procedure for Statewide Constitutional Amendments;
(pgs.105-122)

c. Legislative update; (oral report)

d. Senate Bill 172 update; (pg.123)

e. Consideration of FY16/17 Board Meeting Schedule; (pg.124)

f. Two year plan of staff activity for the months of April & May – informational.
(pgs.125-127)

5. Follow up. (pg.128)

6. Comments from the general public. (pg.128)

7. Next Board Meeting scheduled for Monday, May 16, 2016 at 10:30 a.m. in Springfield. (pg.128)

8. Executive Session. (pgs.129-141)

STATE BOARD OF ELECTIONS
2329 South MacArthur Blvd.
Springfield, Illinois 62704
217/782-4141

Tom Newman

Director, Division of Campaign Disclosure

To: Members of the Board, Steven S Sandvoss, Executive Director & Ken Menzel, General Counsel

Re: Random Audits of Political Committees

Date: April 11, 2016

Pursuant to 10 ILCS 5/9-13, the Board is required to order up to 3% of the active political committees annually to perform internal audits. For the past two years, the percentage used for selection has been 2%, which last year amounted to 77 committees. I am asking for the Board's approval to again use the 2% figure this year, as this has proven to be a significant yet manageable number. The random selection will be conducted on the first business day in May, which is May 2nd.

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

MOTION TO RECONSIDER

Jonathan & Clair Kaye,	16 CD 096
&	
Kenneth Cabay	16 CD 098
Complainant	

vs.

Liberty Principles PAC
Respondents

The D-4 Complaint was filed pursuant to “An Act to Regulate Campaign Financing” (Illinois Compiled Statutes, 10 ILCS 5/9-1, et seq., (hereafter referred to as the Act) alleging that the Respondent violated 10 ILCS 5/9-9.5, 5/9-1.8(f) and 5/9-8.6. Specifically, that Liberty Principles PAC took part in electioneering communications coordinated with candidates in violation of the prohibition for such coordination by Independent Expenditure Committees.

The recommendation of the Hearing Officer was as follows:

“The Committee’s claim that it has no control or approval of the content included in the newspapers is, frankly, difficult to believe. Additionally, the exact nature of the working relationship between the Committee and Newsinator LLC is not clear, nor is the nature of the Newsinator service itself. It is therefore difficult to determine if, by employing Newsinator, the Committee is in fact coordinating its expenditures with candidates. There are enough unanswered questions to support a recommendation for this part of the complaint to move to a public hearing.”

The recommendation of General Counsel Menzel to the Board of Elections was as follows:

“The committee asserts that the candidate interviews and other content were entirely outsourced to a third party and that there is thus no coordination with any candidates. On that point the hearing officer found the claim that the committee had no control or approval of what the third party produced as straining credulity and recommended that the complaint be found to be filed on justifiable grounds and proceed to public hearing on the coordination issue..... I concur with the hearing officer in this matter.”

Member Cadigan:

“I don't believe we have clear guidance enough to determine whether coordination of electioneering communication has occurred, and we're essentially being asked—because they weren't argued in the context of the hearing, we're being asked to make policy”----

- (Complaint comments) The matter of coordinating electioneering communications was absolutely argued in both the preliminary hearing as well as before the Board. The fact that an additional issue of electioneering communications was brought up by the Hearing Officer does not remove the fact that both D-4 complaints were directed at the coordinated communications between the PAC and the candidate(s). Both the Hearing Officer and the General Counsel found that the complaints were filed on justifiable grounds. On this there is no confusion. The State Legislature passed and the Governor signed the campaign election laws, "An Act to Regulate Campaign Financing". We have two independent complaints against the same PAC for the same behavior that Liberty Principles PAC took part in electioneering communications coordinated with candidates in violation of the prohibition for such coordination by Independent Expenditure Committees. The Board of Elections is the body who decides complaints that come before it as any tribunal would do so. The hearing officer and General Council made a recommendation for this part of the complaint to move to a public hearing.

Member Cadigan:

"That way, organizations like the Illinois Press Association-- and I notice there's material in the -- an e-mail from the Illinois Press Association relating to this. It doesn't say whether or not the publication is a member or not. But I would think that an organization as well respected and as long-standing as the Illinois Press association would want to opine about whether or not papers-- where do they -- newspapers, where do they call on this what is or isn't a newspaper. But again, all those issues I believe are better suited to the rule making process and not the facts as we have them before us today. So that's what I would urge the fellow members of the Board to give some thought to and to consider as we proceed to vote on these matters."

- (Complaint comments) Member Cadigan is giving incorrect information from the E-mail from the Illinois Press Association. The Illinois Press Association email specifically states in the first paragraph that, "To follow up on your inquiry from yesterday. The "East Central Reporter" publication is not a member of the Illinois Press Association. Also, neither have they made application for membership nor would they qualify at this point".

Member McGuffage:

"You know, everything we've heard today, I mean, we're going to hear again in a public hearing. I think Bill Cadigan is absolutely right. We need some --- we need a rule on this. If we look at the reports, opinions from hearings at the Federal Election Commission, we can formulate a rule. It makes no sense when we can't make a determinations here. I don't see where going to a public hearing at this point is going to do any good other than, you know, rehashing everything we heard today. I mean it doesn't make sense. We need a rule. So I move that we find that the complaint was filed on justifiable grounds but do not proceed to a public hearing at this time."

(Complaint comments) We have the rules in place as they were written for the 2016 Primary Election. The Board has found the complaint to be filed on justifiable grounds but made no ruling regarding the complaint. Since this is a justifiable complaint then there was wrongdoing on the part of the respondent. Since there was no ruling regarding the complaint, the respondent has not been asked to refrain from the conduct that gave rise to the complaint. How is this enforcing the rules? This is the job of the Board of Elections to enforce the rules that were in place during the 2016 Primary Election.

From the Campaign Disclosure Act:

Section 125.262 Board Determination

a) After the submission of the recommendations of the Hearing Officer, the minutes, and the recommendations of the General Counsel, if any, the Board shall determine whether the complaint was filed on justifiable grounds. If the Board determines that the complaint was filed on justifiable grounds, and if the respondent is unwilling to take action necessary to correct the violation or refrain from the conduct giving rise to the violation, it shall order a public hearing to be conducted in accordance with Subpart C of this Part.

The Board determined that the complaint was filed on justifiable grounds. The rule says, "It shall order a public hearing" to be conducted with Subpart C of this Part.

Recusal

The complaint before the Illinois Board of Elections was against Liberty Principles PAC. Liberty Principles PAC has received \$2,340,859.94 from Turnaround Illinois. Turnaround Illinois has received \$2,250,000 from Bruce Rauner. In addition, Governor Rauner actively worked with Liberty Principles PAC by creating a television ads in support of the candidate Reggie Phillips.

Turnaround Illinois - Active Independent Expenditure Committee ID 30608 Created 4/15/15
Purpose: To support state legislative candidates who support Gov Rauner's bold and needed reforms, and to oppose those who stand in the way

Turnaround Illinois

A-1	Bruce Rauner	02/29/16	\$2,000,000.00
A-1	Bruce Rauner	04/30/15	\$250,000.00
A-1	Sam Zell	04/17/15	\$4,000,000.00

Liberty Principles PAC - Active Independent Expenditure Committee ID 24614 Created 10/9/12
Purpose: To make independent expenditures in support of liberty oriented policies and candidates.

Liberty Principles PAC

A-1	Illinois Opportunity Project	03/21/16	\$25,000.00
A-1	Illinois Opportunity Project	03/11/16	\$150,000.00
A-1	Turnaround Illinois*	03/08/16	\$522,859.94
A-1	Todd Ricketts	02/29/16	\$25,000.00
A-1	Rex Sinquefeld	02/29/16	\$25,000.00
A-1	Turnaround Illinois*	01/19/16	\$1,818,000.00
A-1	Richard Uihlein CEO Uline	12/29/15	\$2,500,000.00
A-1	Market Street Bancshares	12/10/15	\$10,000.00

The Illinois Board of Elections members are appointed by the Governor.

Three Board members: John Keith, Andrew Carruthers and William Cadigan were appointed by Governor Rauner in July 2015. One member, William Cadigan, served on Governor Rauner's transition team.

Each of these members should recuse themselves from hearing the complaint against Liberty Principles PAC due to a conflict of interest.

The matter should proceed to a public hearing in accordance with :

If the Board determines that the complaint was filed on justifiable grounds, and if the respondent is unwilling to take action necessary to correct the violation or refrain from the conduct giving rise to the violation, it shall order a public hearing to be conducted in accordance with Subpart C of this Part.

Jonathan & Clair Kaye
Complainants

Printable A1

Liberty Principles PAC

A-1 (\$1000+ Year Round)

Contributed By	Address	Amount	Received By	Description	Vendor Name	Vendor Address
Illinois Opportunity Project	208 S. LaSalle Chicago, IL 60601	\$25,000.00 3/21/2016	3A Liberty Principles PAC		Illinois Opportunity Project	208 S. LaSalle Chicago, IL 60601

Records 1 to 1 of 1

PSV-PUBWEB1

Printable A1

Liberty Principles PAC
A-1 (\$1000+ Year Round)

Contributed By	Address	Amount	Received By	Description	Vendor Name	Vendor Address
Illinois Opportunity Project	208 S. LaSalle Chicago, IL 60601	\$150,000.00 3/11/2016	3A Liberty Principles PAC		Illinois Opportunity Project	208 S. LaSalle Chicago, IL 60601

Records 1 to 1 of 1

PSV-PUBWEB1

Printable A1

Liberty Principles PAC

A-1 (\$1000+ Year Round)

Contributed By	Address	Amount	Received By	Description	Vendor Name	Vendor Address
Turnaround Illinois	P.O. Box 7781 Chicago, IL 60661	\$522,859.94 3/8/2016	2A Liberty Principles PAC			

Records 1 to 1 of 1

PSV-PUBWEB1

Printable A1**Liberty Principles PAC**
A-1 (\$1000+ Year Round)

Contributed By	Address	Amount	Received By	Description	Vendor Name	Vendor Address
Ricketts, Todd Occupation: Owner	1060 W. Addison Chicago, IL 60613	\$25,000.00 2/29/2016	1A Liberty Principles PAC			
Sinquefield, Rex	244 Bent Walnut Lane Westphalia, MO 65085	\$25,000.00 2/29/2016	1A Liberty Principles PAC			

Records 1 to 2 of 2

PSV-PUBWEB1

Printable A1

Liberty Principles PAC

A-1 (\$1000+ Year Round)

Contributed By	Address	Amount	Received By	Description	Vendor Name	Vendor Address
Turnaround Illinois	P.O. Box 7781 Chicago, IL 60661	\$1,818,000.00 1/19/2016	2A Liberty Principles PAC			

Records 1 to 1 of 1

PSV-PUBWEB1

Printable A1Liberty Principles PAC
A-1 (\$1000+ Year Round)

Contributed By	Address	Amount	Received By	Description	Vendor Name	Vendor Address
Uihlein, Richard Occupation: CEO Employer: Uline	12575 Uline Drive Pleasant Prairie, WI 53158	\$2,500,000.00 12/29/2015	1A Liberty Principles PAC			

Records 1 to 1 of 1

PSV-PUBWEB1

3/24/2016 12:53 PM

Printable A1**Turnaround Illinois**
A-1 (\$1000+ Year Round)

Contributed By	Address	Amount	Received By	Description	Vendor Name	Vendor Address
Rauner, Bruce Occupation: Governor Employer: State of Illinois	720 ROSEWOOD AVE Winnetka, IL 60093	\$2,000,000.00 2/29/2016	1A Turnaround Illinois			

Records 1 to 1 of 1

PSV-PUBWEB2

Printable A1**Turnaround Illinois**
A-1 (\$1000+ Year Round)

Contributed By	Address	Amount	Received By	Description	Vendor Name	Vendor Address
Zell, Samuel Occupation: Chairman Employer: Equity Group Investment LLC	2 N. Riverside Plz. Chicago, IL 60606	\$4,000,000.00 4/17/2015	1A Turnaround Illinois			

Records 1 to 1 of 1

PSV-PUBWEB2

William J. Cadigan



Member of the State Board of Elections since July 2015, Mr. Cadigan is an attorney with offices in Chicago and the northern suburbs who represents health care providers, and other businesses and tax exempt organizations in corporate, transactional and regulatory matters. Mr. Cadigan co-authored "***Federal Campaign Finance and Disclosure***," Practice Handbook on Election Law, Illinois Institute for Continuing Legal Education (2007).

Before entering law school, Mr. Cadigan worked on Capitol Hill as an aide for Congressman John E. Porter (10th-IL), handling appropriations, health care, education and other domestic policy issues. He is admitted to practice before the Illinois Supreme Court, the U.S. District Court for the Northern District of Illinois and the U.S. Court of Appeals for the Seventh Circuit.

Mr. Cadigan is a member of the American Health Lawyers Association, the Illinois Association of Healthcare Attorneys, and the Chicago Bar Association. He is a contributing author/editor to *The Law of Medical Practice in Illinois*, 3rd Edition (West Group) and *Representing Physicians Handbook*, 2nd Edition (American Health Lawyers Association). He received a

Bachelor of Arts degree from Eastern Illinois University and a Juris Doctorate from the John Marshall Law School.

A native of Arlington Heights, Mr. Cadigan currently resides in Winnetka.

PSV-PUBWEB2

Liberty Principles PAC

Purpose: To make independent expenditures in support of liberty oriented policies and candidates

505 N Lake Shore Dr Active
#516
Chicago, IL 60611-3499 Committee ID 24614

Type of Committee: Independent Expenditure
Creation Date: 10/9/2012

Officers

Report Type	Reporting Period	Filed	Pages	Clarification
A-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/23/2016 9:45:02 PM Filed electronically	0	
B-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/16/2016 9:21:44 PM Filed electronically	1	
B-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/15/2016 10:24:42 PM Filed electronically	1	
A-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/15/2016 12:33:31 PM Filed electronically	1	
B-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/11/2016 2:41:00 PM Filed electronically	4	
Letter / Correspondence		3/10/2016 8:31:55 AM Filed on paper	3	
Letter / Correspondence		3/10/2016 8:22:15 AM Filed on paper	3	

A-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/9/2016 10:44:35 PM Filed electronically	1	
B-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/8/2016 11:20:17 AM Filed electronically	2	
B-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/7/2016 9:07:06 PM Filed electronically	2	
B-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/4/2016 9:24:07 PM Filed electronically	2	
B-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/4/2016 3:33:50 PM Filed electronically	1	
B-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/3/2016 4:42:42 PM Filed electronically	1	
Letter / Correspondence		3/3/2016 9:03:27 AM Filed on paper	2	
B-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	3/2/2016 10:55:05 PM Filed electronically	2	

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Turnaround Illinois

Purpose: To support state legislative candidates who support Gov. Rauner's bold and needed reforms, and to oppose those who stand in the way.

PO Box 7781
Chicago, IL 60661

Active

Committee ID 30608

Type of Committee: Independent Expenditure

Creation Date: 4/15/2015

Officers

Report Type	Reporting Period	Filed	Pages	Clarification
A-1 (\$1000+ Year Round)	1/1/2016 to 3/31/2016	2/29/2016 7:12:48 PM Filed electronically	1	
Quarterly	10/1/2015 to 12/31/2015	1/15/2016 3:19:59 PM Filed electronically	4	
Quarterly	7/1/2015 to 9/30/2015	10/12/2015 8:47:35 AM Filed electronically	5	
Quarterly	4/15/2015 to 6/30/2015	7/14/2015 12:34:22 PM Filed electronically	4	
A-1 (\$1000+ Year Round)	4/15/2015 to 6/30/2015	4/30/2015 8:49:37 PM Filed electronically	1	

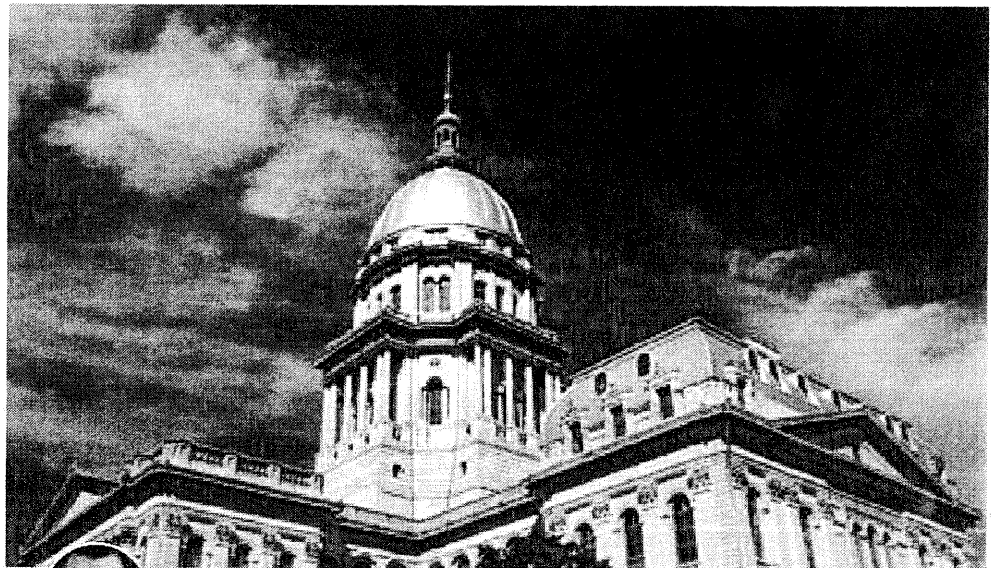
Letter / Correspondence		4/27/2015 10:17:00 AM Filed on paper	1	
A-1 (\$1000+ Year Round)	4/15/2015 to 6/30/2015	4/27/2015 10:04:28 AM Filed electronically	1	
A-1 (\$1000+ Year Round)	4/1/2015 to 6/30/2015	4/24/2015 5:30:00 PM Filed on paper	1	
D-1 Statement of Organization		4/16/2015 3:17:59 PM Filed on paper	2	

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William J. Cadigan

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Lawyers loomed large on Rauner's transition team

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By Andrew Maloney

Law Bulletin staff writer

May 5, 2015

There's a paragraph in Illinois law that spells out what to do during a transition between governors.

Authored in 1961, the state's Governor Transition Act says the outgoing official has to do two things: Give the incoming person some office space "for not more than five persons" within two weeks after the election and provide any assistance "that may be reasonably requested."

The governor-elect, on the other hand, is encouraged to "acquire a working knowledge" of state government and study the budget plans for the current and ensuing "biennium" — the term harkening to an era when lawmakers passed budgets for two years at a time rather than one.

The law hardly paints a complete picture.

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Jonathan L. Fine

lawyers like Peter M. Friedman of Holland & Knight LLP, sole practitioner William J. Cadigan and Richard W. Porter of Kirkland & Ellis LLP to help connect the rest of the dots.

Porter had known Rauner for years and helped him assemble his transition team after he won election in November.

Porter knew Cadigan previously and found Friedman by doing some research into lawyers who were well-versed in government issues.

"We were having conversations on election night immediately after the results became clear, and the day after the election we were on board," said Friedman, who heads Holland & Knight's real estate and government law practice.

He became the chief ethics officer on the team, teaching senior staff members about the Freedom of Information Act, open meetings requirements and disclosure and procurement rules.

Rauner's transition team would ultimately include more than 40 business and public leaders from around the state, including former Gov. Jim Edgar, former White House chief of staff Bill Daley and RTA Chairman and former Sen. Kirk W. Dillard among many others.

But if there were purely legal issues to deal with "Peter and Bill were the key guys driving the transition legal team," Porter said. "They both bring a wealth of experience and expertise in areas of government operation and law."

Friedman also wound up negotiating a lease for an office in the Wrigley Building to be used by the transition team between the election and Rauner's inauguration in January.

"The governor-elect's senior staff secured offices in that space for the transition, and Richard, Bill and I had regular office hours at those offices," Friedman said.

"Between myself and my co-counsel, one of us was always at the office, every day. And even if we were not at the office ... all of these legal issues were very fluid and fast-moving, and we were available on-call all the time leading up to the governor's swearing-in."

A vacancy and a trust

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Lexie E. Lee

comptroller Judy Baar Topinka.

"That was, first of all, a personal loss for everybody involved. And everyone knew or had worked with and felt a great deal of affection for comptroller Topinka," Cadigan said. "So the personal sense of loss weighed heavily at the transition office."

Because she died after she was re-elected but before she'd been officially sworn in for another term, there was controversy about whether there should be a special election to fill her spot or if Rauner could choose a replacement who would stay in office all four years.

While Democrats such as outgoing Gov. Patrick J. Quinn called for a law to create a special election in 2016, Rauner and legislative Republicans said that would be unconstitutional.

Section 2 of the Executive Article, they said, specifies statewide officeholders "shall hold office for four years ... until their successors are qualified" and "shall be elected at the general election in 1978 and every four years thereafter."

Section 7 of the same article also says a governor "shall fill [a vacant office] by appointment" — and that appointee shall "hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law."

Although the second phrase could be seen as allowing lawmakers to change the election schedule by statute, the Republicans argued that the phrase "as may be provided by law" refers only to someone's qualifications — not the method or point in time they could be elected.

Still, on a party-line vote, legislators passed a special-election bill, and Quinn signed it before leaving office. Rauner eventually appointed Leslie Munger, a business executive who had been beaten for a state House seat to be comptroller.

Porter said although he doesn't deal with the state constitution regularly, he felt it was straightforward on the issue.

"If I were a judge and I heard a case on this question, the better reading of the

constitution as a whole is that the appointed officer's term is coterminous with

≡ Pulse

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Geoffrey M. Lee

Rauner's team was also ready to go to court if Quinn had appointed a replacement who intended to remain in office after the transition. But that didn't materialize.

Another legal issue the team researched was how to address Rauner's financial investments, which he said before his inauguration he would put into a "blind trust" in order to eliminate potential conflicts of interest.

The term typically refers to a shield between the asset-holder and knowledge or decisions about his or her investments.

However, Illinois ethics laws require officeholders to have some knowledge about their finances in order to disclose them on annual statements. So Rauner entered into an arrangement in which a financial adviser at a private firm was given the power to make investment decisions for him.

Rauner did not technically relinquish ownership of the assets as would be required under what some would consider a true "blind trust" arrangement.

His vow to forego information about his investments was also not legally binding.

Friedman, though, said he's convinced the setup was the best way for Rauner to deliver on his pledge to avoid conflicts of interest while adhering to state disclosure law.

"We had to balance those two things. The governor rightly didn't want a blind trust set up that would result in him not being able to make the extensive type of public disclosure that he had committed to and that the people would expect him to make under statute," Friedman said.

'Out in the crowd'

Inauguration Day in Illinois was Jan. 12, and there were some legal nuances to the ceremony in Springfield in which all the statewide officeholders were sworn in.

Rauner was sworn into office by U.S. District Judge Sharon Johnson Coleman, a

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Under Illinois law, federal court judges don't have the authority to swear in a constitutional officer, Cadigan said.

As a result, since Coleman had served as a judge in a state judicial office, she could legally swear Rauner into office.

Cadigan also wrote out a specific script for when it came time for Rauner to officially appoint Munger as comptroller.

"I wrote out the text," Cadigan said. "He, one, declared the vacancy; two, appointed Leslie Munger to fill the vacancy; and three, asked Leslie Munger to come up and accept the appointment.

"It was certainly out of the ordinary," Cadigan said.

For that part of the ceremony, he and Friedman found some remote seats in the audience at the Prairie Capital Convention Center in downtown Springfield where the ceremony was held to view the scene.

"We'd been backstage the entire time, but for that, we wanted to be out in the crowd and experience it the way other people were," Cadigan said.

For a lawyer who has represented municipalities and state agencies, Friedman said he was humbled by the experience working on Rauner's transition.

"To provide that level of legal services on such a broad range of issues to the incoming administration and to the governor-elect was extremely challenging and very rewarding," he said.

Cadigan said it was thrilling to be part of a history that will endure for a long time.

"I've put together thousands of legal documents in my career, and some of them, you know, get tucked in a file and never looked at again," he said.

But the oath of office he prepared for Rauner, which Coleman attested and

which they both signed in the basement of the convention center. "will be in the

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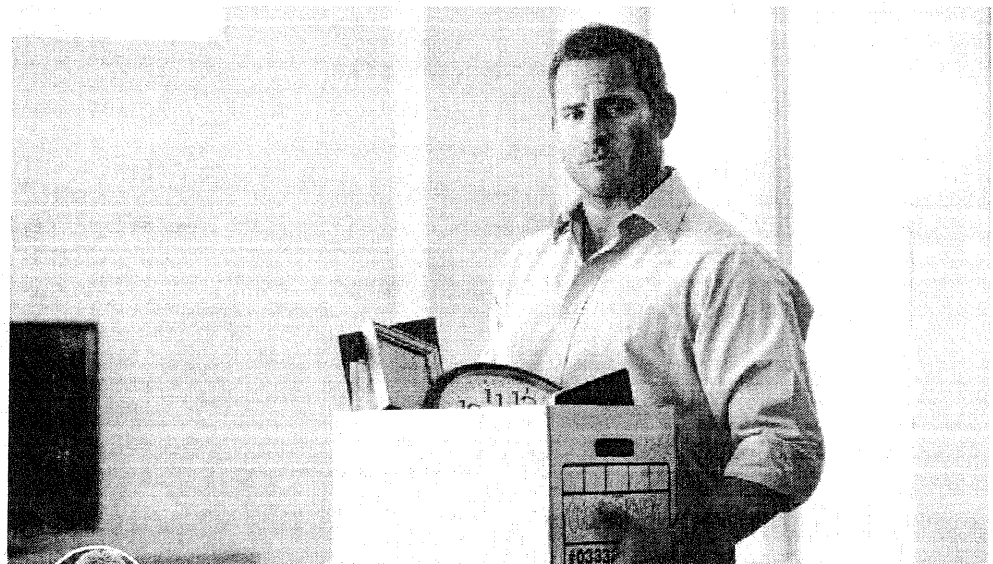
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There are so many things that can kill the careers of good, hard-working people. Honest mistakes often carry hard-hitting consequences.

We usually only hear about the more egregious examples, such as when Yelp employee Talia Jane became an Internet sensation last month for writing a blistering post criticizing the company's low pay and its CEO. To no one's surprise, she quickly found herself out of a job.

Most people don't go down in a blaze of glory like Talia Jane; they kill their careers in subtle, decidedly undramatic ways. And it's a shame because it happens all the time.

A recent survey by VitalSmarts found that 83% of people had seen someone make a blunder that had catastrophic results for their career, reputation, or business, and 69% admitted that they themselves had done something that had damaged their careers:

- 31% said it cost them a promotion, a raise, or even a job
- 27% said it damaged a working relationship
- 11% said it destroyed their reputation

These numbers show how damaging you can be to your own career if you're not careful. There doesn't have to be a single, sickening moment when you realize that you just shoved your foot firmly in your mouth, either. Little things can add up over time and undermine your career just as much as (or more than) one huge lapse in judgment. The good news is that if you stay aware of them, these are all things that you can control before they creep up on you and kill your career.

Over-promising and under-delivering. It's tempting to promise the moon to your colleagues and your clients, especially when you're honest and hardworking and believe that you can do it. The problem is that there's no point in creating additional pressure that can make you look bad. If you promise to do something ridiculously fast and you miss the deadline by a little bit, you'll likely think that you did a good job because you still delivered quickly. But the moment you promise something to someone, they expect nothing less. You end up looking terrible when you fall short, which is a shame, because you could have

done the same quality work in the same amount of time with great results if [What is the best way to learn a new skill?](#) [Sign In](#)

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undershoot your goals; just be realistic about the results you can deliver so that you're certain to create expectations that you will blow out of the water.

Complacency. How long has it been since you proactively learned a new skill, reached out to your networking contacts, or even polished up your resume? If you can't remember, you might have become a bit complacent, and complacency is a real career killer. It's what happens when you're just along for the ride and assume that nothing will ever change. But we've seen enough disruption—technological and otherwise—over the last few years to realize that change is inevitable. If you're always too busy to learn something new or to expand your network, you've got your priorities mixed up. However, if you make continuous growth and development a priority, you'll be ready for whatever comes your way.

Fear of change. Fear of change is complacency's evil twin. It actively works to keep things the same. I'm sure you've seen this one first hand at work when someone uttered the dreaded words, "But we've always done it this way." Things are changing too fast these days to latch on so tightly to the status quo, and the costs of doing so can be huge. In one survey, 91% of respondents said that the most successful employees are the ones who can adapt to the changing workplace. Change is a constant part of our lives, both personally and professionally. It doesn't matter whether you think things should change or whether you prefer the old ways—change just is. You don't have to learn to love it, but you do have to learn to stop resisting it and to start adapting to it.

Having an inflatable ego. Did you ever work with someone who had a string of successes and started thinking that they were the be-all and end-all of superstardom? Success is great. It definitely boosts your career, and it feels really, really good. The problems start once you let it go to your head. You start thinking that success is going to last forever and that you're entitled to it. Never, ever be content with resting on your laurels. Once you start thinking that you're the cat's meow, you're setting yourself up for very painful failure.

Losing sight of the big picture. It's easy to become head-down busy, working so hard on what's right in front of you that you lose sight of the big picture. But smart people learn how to keep this in check by weighing their daily priorities against a carefully calculated goal. It's not that they don't care about small-scale work; they just have the discipline and perspective to adjust their course as

necessary. Life is all about the big picture, and when you lose sight of it, you're in trouble. [What's Hot on LinkedIn](#) [Join Today](#) [Sign In](#)

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Negativity. Sometimes when you're feeling negative and down, your mood can leak out and affect other people, even if you don't intend it to. You were hired to make your boss's and your team's jobs easier, not harder. People who spread negativity through their department and complain about the work or other people complicate things for everyone else. If people always have to tiptoe around you so as not to dislodge that massive chip on your shoulder, they are unlikely to be willing to do it for very long.

Low emotional intelligence (EQ). Everyone knows that you can get fired for being unable or unwilling to play nicely with others, but what trips up a lot of people is having a poorly developed poker face. If everyone can tell when you're bored or irritated or that you think something a colleague says is stupid, this will catch up with you. Emotional outbursts, belittling others, shutting co-workers down when they speak, low self-awareness, and just generally being difficult are other ways that a lack of emotional intelligence will do great harm to your career.

Sucking up to your boss. Some people suck up to their boss and call it managing up, but that isn't the case at all. Sucking up has nothing to do with a real relationship built on respect; it is sneaky and underhanded. Suck-ups try to get ahead by stroking the boss's ego instead of earning his or her favor. That doesn't go over well with colleagues who are trying to make it on merit. Yes, you want to bolster your relationship with your boss, but not by undermining your colleagues. That's the key distinction here. For a boss-employee relationship to work, it has to be based on authenticity. There's no substitute for merit.

Playing politics. Working hard to build strong work relationships is very different from instigating conflict, choosing sides, undermining colleagues, spreading rumors, and all of the other things that fall under the umbrella of "playing politics." Again, it comes down to authenticity. If you find yourself sneaking around or if you're embarrassed if some of your behind-the-scenes manipulations come to light, that's politics. Stick to strategies you'd be proud to discuss in front of your colleagues.

Bringing It All Together

A lot of people make the mistake of thinking that they can only damage their careers by making one huge misstep, but the reality is that it's usually not that

dramatic.

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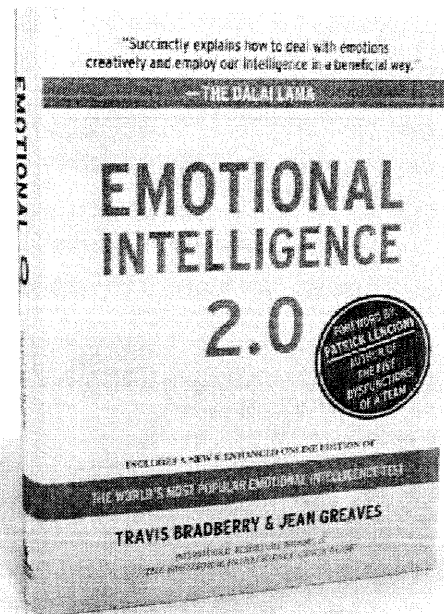
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comments section below, as I learn just as much from you as you do from me.

ABOUT THE AUTHOR:

Dr. Travis Bradberry is the award-winning co-author of the #1 bestselling book, *Emotional Intelligence 2.0*, and the cofounder of TalentSmart, the world's leading provider of emotional intelligence tests and training, serving more than 75% of Fortune 500 companies. His bestselling books have been translated into 25 languages and are available in more than 150 countries. Dr. Bradberry has written for, or been covered by, *Newsweek*, *TIME*, *BusinessWeek*, *Fortune*, *Forbes*, *Fast Company*, *Inc.*, *USA Today*, *The Wall Street Journal*, *The Washington Post*, and *The Harvard Business Review*.



If you'd like to learn how to increase your emotional intelligence (EQ), consider taking the online *Emotional Intelligence Appraisal®* test that's included with the *Emotional Intelligence 2.0* book. Your test results will pinpoint which of the book's 66 emotional intelligence strategies will increase your EQ the most.



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December 2, 2015

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c k <clairkaye@gmail.com>

IPA reply

2 messages

Dennis DeRossett <dderossett@illinoispress.org>
To: c k <clairkaye@gmail.com>

Tue, Feb 16, 2016 at 10:48 AM

Good morning, Clair:

To follow up on your inquiry from yesterday, the "East Central Reporter" publication is not a member of the Illinois Press Association.

Also, neither have they made application for membership nor would they qualify at this point.

I fully understand the concerns you expressed. I'm sorry I cannot give you more information but I was not familiar with this until you brought it to my attention.

Newspapers remain the most trusted source of local news and information in their communities through the multiple formats in which they now publish—print, online and mobile.

It is concerning, but not surprising, to see that PACs, political parties and candidates are mimicking the local newspaper format in order to convey their message to the voting public.

We understand this is now happening in at least eight targeted legislative districts in Illinois, including the 110th where you reside.

We would hope that consumers are always aware of the source of the news and information they receive in order to make informed decisions.

If you have further questions, I'd be happy to discuss them with you.

Best regards,

Dennis

Dennis M. DeRossett | President & CEO

Illinois Press Association | 900 Community Drive | Springfield, IL 62703

dderossett@illinoispress.org | Ph 217-241-1300

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)
COUNTY OF COOK) SS

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
Jonathan & Clair Kaye,)
Kenneth Cabay)
 Complainant(s),)
 vs.) 16 CD 096
) 16 CD 098
Liberty Principles PAC,)
 Respondent(s).)

FINAL ORDER ON COMPLAINT

TO: Jonathan & Clair Kaye	Kenneth Cabay	Liberty Principles PAC
1096 County Rd 1200N	4700 Coyote Lakes Circle	505 N. Lake Shore Dr. #516
Toledo, IL 62468	Chicago, IL 60611	Lake in the Hills, IL 60156

These matters having been consolidated pursuant to Rule 125.115, and coming to be heard the 14th day of March, 2016, following a Closed Preliminary Hearing of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the respondent(s) violated 10 ILCS 5/9-9.5, 5/9-1.8(f) and 5/9-8.6 in that the Respondent committee failed to provide proper disclosure identifying themselves as payor in political communications and took part in electioneering communications coordinated with candidates in violation of the prohibition for such coordination by Independent Expenditure committees; and the State Board of Elections having read the report of the Hearing Officer and hearing the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. In regard to the allegation that the Respondent failed to include the proper attribution of source in political communications as required by 10 ILCS 5/9-9.5, the complaint was filed on justifiable grounds; and
2. In regard to the allegation that the Respondent took part in electioneering communications coordinated with candidates in violation of 10 ILCS 5/9-8.6's prohibition of such coordination by Independent Expenditure committees, the complaint was filed on justifiable grounds.

IT IS HEREBY ORDERED:

1. The recommendation of the Hearing Officer and the General Counsel is adopted in part, to the extent that the Hearing Officer and General Counsel have recommended that Liberty Principles PAC be admonished to ensure that all future political literature and communications identify the PAC as payor; and

2. Accordingly, the PAC shall include a proper attribution of source on all future materials, and any repeat violation of Section 9.5(a) may subject the PAC to a civil penalty not to exceed \$5000.00; and
3. Neither issue raised (attribution of source or improper coordination with candidate) shall proceed to public hearing; and
4. The effective date of this Order is March 17, 2016; and
5. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 3/17/2016


Charles W. Scholz,

Illinois State Board of Elections

Brent M. Davis | Director of Election Operations | 217.558.1664 | bdavis@elections.il.gov



To: Steve Sandvoss, Executive Director

Re: 2016 General Primary Post-Election Report

Date: April 12, 2016

Election Day for the 2016 General Primary was a very busy day not only for the State Board of Elections, but also for many election jurisdictions in the state. Our offices received a total of 2,848 calls, and these were distributed among 26 staff members throughout the day.

Grace Period Registration and Voting: This was the biggest subject of inquiries on Election Day. The Springfield and Chicago offices took at least 1,100 calls related to polling place lookup and grace period registration. Many jurisdictions reported that their operations and resources were greatly affected by both the unexpected turnout as well as the offering of Grace Period Registration and Voting on Election Day. The unanticipated number of same day registrations exacerbated many jurisdictions' problems in managing the other issues that came up on Election Day, (such as dealing with the ballot shortage issue described below) as their respective staff were tasked with assisting voters with said registration, and in addition, their phone lines were tied up with calls related to same day registration.

Ballot Shortages: Five counties in Illinois experienced ballot shortages on Election Day which led to court orders keeping the polls open past 7:00 p.m. Staff contacted these counties to determine the extent of the problems. The jurisdictions which ran short of ballots were as follows:

Adams County*

- The polling places were ordered to be open until 8:30 p.m.
- All ballot styles were affected, as were the ballots of both political parties
- All 74 precincts experienced ballot shortages throughout the day
- Ballot shortages began around 10:00 a.m. and some polling places went hours before replacement ballots were delivered
- The number of people who left the polls before ballots were delivered could be as high as 1,000 but there is no reliable way to know an exact number

Sangamon County

- The polling places were ordered to be open until 8:30 p.m.
- Democratic and Republican ballots were both affected by the shortage
- 30 of 180 precincts experienced shortages
- Ballot shortages began around 5:00 p.m., but the clerk's office noticed the trend toward a heavy turnout early in the day and began printing extra ballots using their ballot on demand equipment
- Many of the precincts that experienced shortages didn't actually run out of ballots until after 7:00 p.m., but the extended hours exhausted their supply.
- The County Clerk did not have an estimate of the number of voters who may not have returned to the polls and been unable to vote.

Kendall County

- The polling places were ordered to be open until 8:00 p.m.
- Only Democratic ballots were affected
- Three polling places were initially reported as running out of ballots
- Additional ballots were ordered from the County's vendor; Illinois Office Supply, as well as printed on demand in the Clerk's office to keep the precincts supplied
- The County Clerk was not aware of any voters being turned away or unable to cast a ballot

Madison County

- The polling places were ordered to be open until 8:30 p.m.
- Five precincts ran out of Republican ballots; three ran out of Democratic ballots
- The longest delay for delivery of ballots after running out was 4 hours
- The County Clerk did not have an estimate of how many voters left the polling place and did not return after ballots were delivered
- Turnout in Madison County for this election was more than twice the usual number

Effingham County

- The polling places were ordered to be open until 8:30 p.m.
- Mostly Republican ballot styles were affected; only four precincts were affected by Democratic ballot shortages
- 34 of 37 precincts experienced ballot shortages
- Ballot shortages began at 12:00 p.m.; replacement supplies were printed and delivered by 1:00 p.m.
- EA is not aware of anyone being denied the opportunity to vote – all voters were able to eventually vote in their precinct

City of Danville

- The polling places were not ordered to stay open late; polls closed at 7:00 p.m.
- Six precincts were affected by ballot shortages
- Democrat ballots were the only ones affected
- Ballots ran out at approximately 5:45 p.m. and were replaced with ballots on regular paper which were to be remade when regular ballot stock became available
- Zero voters were turned away, and 47 voters voted on regular paper ballots

Several other jurisdictions reported ballot supplies running low, but were able to avoid running completely out by directing voters to use the touch screen equipment for voting instead of paper ballots.

Late Opening of Polling Places: In addition to those five jurisdictions which stayed open late for ballot shortages, Cook County had four precincts which opened late and a court order was obtained to extend the polling hours for those polling places.

McHenry County had polling places that did not open on time due to technical issues with their new electronic poll books and had extended voting hours for this reason. General Counsel Ken Menzel has submitted a separate report to address the circumstances in McHenry County.

President Bill Clinton: Our office received numerous calls on Election Day reporting that President Bill Clinton was campaigning in the polling places in Chicago. The number of calls continued to grow throughout the day after the media reported his campaign activity. This led to

many calls coming from out of state, and one call coming from as far away as Sweden. After doing some research it was determined that his campaigning was not violating any campaign free zone rules, and that he was outside the designated area where campaigning was restricted.

Reports then started coming in that he was campaigning in Springfield, and many people called to complain about this. This was determined to be linked to a Facebook post regarding an article about him campaigning in Springfield, Missouri.

Miscellaneous: Other common subjects of calls that came up on Election Day included:

- Voters inquiring about voting outside their jurisdiction (often by voters who lived in the suburbs but wanted to vote in the city of Chicago)
- “I Voted” stickers – several people called to complain that their polling place was not handing these out. It was explained to them that it’s not mandatory to provide these unless there are enough for all voters.
- Federal Ballots – several calls were received where the voter was given a Federal ballot instead of the full ballot they were entitled to. Despite the efforts that election authorities make to flag voters who are only entitled to vote the Federal ballot, election judges continue to make this mistake.
- Declaration of Party – many voters called to complain about having to declare a party to vote in a primary election. The theory behind a party’s nomination process and state law were explained to these voters.

This election had the highest volume of calls for our office that I have personally experienced. All employees did a great job of being patient with callers, and continuing to answer the calls that continuously came in. In the future we will be looking at adding more staff members to the call center to help handle the high volume of routine questions. This will also involve taking a look at our automated phone system setup to provide a pre-recorded message providing commonly sought information.

We are also participating in the discussions being held by the election authorities in the state to address the issues that came up in the jurisdictions, focusing on the ballot shortages in the polling places.

* With regards to Adams County, I would note that in response to the situation where voters were unable to cast ballots due to the shortage of same, the Adams County State’s Attorney on March 17th, petitioned the Circuit Court for a Mandatory Injunction that would have established extended voting in the office of the county clerk during the week of March 21st through the 25th for those voters who were present at the polling place but were prevented from voting due to the lack of available ballots. The Injunction was issued that day (see attached Order).

Due to concerns about the extraordinary nature of the remedy ordered by the Circuit Court and the precedent the Injunction could establish, the Attorney General’s office on March 18th filed a Motion to Intervene and Motion to Vacate Injunction Order with the Circuit Court in Adams County. (See attached Motions.) The Motion to Intervene was granted, however the Motion to Vacate was denied. The AG then filed a Motion to Stay the Order in the 4th District Appellate Court which was granted on March 18th. On March 21st, the Adams County State’s Attorney filed a Motion in the Appellate Court requesting that the Stay be vacated. This Motion was denied on March 22nd, which resulted in the continuation of the stay of the original Order to extend voting beyond Election Day. No further action was taken by the Adams County State’s Attorney.

STATE BOARD OF ELECTIONS

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MEMORANDUM

TO: Chairman Scholz, Vice Chairman Gowen, Members of the Board
Executive Director Steven S. Sandvoss

From: Kenneth R. Menzel, General Counsel

Re: Review of 2016 General Primary in McHenry County

Date: April 12, 2016

I visited the McHenry County Clerk's office on the morning of Tuesday, March 22, 2016 to do the initial review of the problems experienced there in the March 15, 2016 General Primary. I spoke with the County Clerk, her staff, and representatives of Robis (the electronic pollbook vendor) and GBS (the voting system vendor).

In addition to the typical sorts of issues one sees in every election in every jurisdiction, McHenry County experienced a couple of problems of note, which should be addressed for future elections. Neither of these issues impacted the ballot tabulation operations, and we have not found anything that calls into question the accuracy of the vote totals processed and reported.¹ The issues may, however, have resulted in some eligible or potentially eligible voters not casting ballots.

One of the issues relates to the electronic pollbooks, which were implemented countywide for the first time at the General Primary (following a successful pilot program test conducted in limited precincts in 2015). The electronic pollbooks are used to process the voters coming through the polling place, and to handle the grace period registrations and transfers in the polling place.² Each precinct had 3 electronic pollbooks. Preparation of the electronic pollbooks requires the installation of a copy of the county's voter database file, and ideally that needs to be as near to Election Day as is reasonably practicable. It appears that one or more of the memory sticks used for that purpose had a defective file that was not discovered prior to sending the electronic pollbooks to the polling places. This caused some delays

¹ I obtained a full precinct by precinct vote tabulation report at the time of my visit, and Mr. Fulle spent considerable time reviewing it. The report did not have all of the provisional ballots or late arriving vote by mail ballot figures, but the problems experienced on Election Day should not have impacted the processing of those ballots.

² The electronic pollbooks are not connected to the voting system, and do not impact ballot tabulation.

getting some of the polling places up and operational at the start of the day on election day and slowed the functions of precincts operating without a full complement of 3 electronic pollbooks (technicians had to be sent to the polling places to install a functional version of the file). In future elections, each pollbook should be individually tested to make sure it will be operational on Election Day and the election judge training should include some additional emphasis on how to process registered voters from printed voter lists to avoid delays in the event of any future problem with electronic pollbook function.

The other significant issue is the communication problem experienced by the election judges and general public when trying to contact the county clerk's office. There was a special hotline number for the judges of election and a separate one for the public. The county clerk's general number was not forwarded to the public hotline number, and early callers to the general number got the standard non-business hours recording directing them to call back during regular business hours. All of the state's election authorities, as well as the State Board of Elections, experienced a much higher than normal call volume on Election Day (much of that relating to Election Day registration). The call problem in McHenry County was exacerbated by having to pull staff from other duties to help deal with the electronic pollbook issue, leaving fewer staff to handle calls. In future elections, better staffing of the phones will be needed, and provision will need to be made to ensure that calls to the general telephone number will be handled outside of the office's normal business hours.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David R. Mays", is written over a dashed horizontal line.

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS, EX REL)	
CONNIE HORNSEY,)	
)	
V.)	NO: 16-CH- 24
)	
CHUCK VENVERTLOH,)	
ADAMS COUNTY CLERK,)	
)	
Defendants.)	

Order Granting Mandatory Injunction

This cause coming on for hearing on a Petition for Mandatory Injunction, the Petitioner and Respondent appearing in person, the Court finds that it has jurisdiction over the parties and subject matter, and having considered the evidence, the Court finds that a number of voters were denied the right to vote through no fault of their own in the March 15 Adams County Primary Election due to unavailability of ballots, that the right to vote is among the most cherished and important rights guaranteed by the Constitutions of the United States of America and the State of Illinois, and that a means exists to restore the right to vote to such affected voters without otherwise delaying the required certification results by the County Clerk of Adams County, and accordingly:

IT IS HEREBY ORDERED ADJUDGED AND DECREED:

1. The respondent waives notice, and consents to the entry of a Mandatory Injunction as prayed for;
2. That there exists no adequate remedy at law for affected voters in the March 15, 2016 Adams County Primary Election, who appeared at the polls but were unable to vote due to lack of ballots;
3. That the Respondent is hereby ordered to provide extended voting at the Office of the County Clerk, employing the same procedures for distributing ballots and tabulating votes for "Early Voting", subject to the following specific conditions;
4. That extended voting shall be available only to voters in those precincts where ballot shortages occurred, and upon proof as specified below, that such voter was denied the right to vote in the March 15, 2016 Adams County Primary Election.
5. That the hours for extended voting shall be from 7:30 a.m. until 5:30 p.m. on March 21, 2016 through March 25, 2016, at the office of the County Clerk of Adams County, 507 Vermont, Quincy, Illinois.
6. That Respondent is ordered to immediately provide notice to the public of extended voting for affected voters, in a newspaper of general circulation on consecutive dates beginning on March 18, 2016 through March 25, 2016, upon the County of Adams website, and all

available electronic media, as reasonably necessary to reach all members of the public.

7. That upon proof in the form of a signature of an affected on a voter's receipt, signed by an affected voter on at his or her respective polling place on March 15, 2016, or an affidavit, in the form attached to this order, executed under oath and under penalties of perjury by a claimed affected voter that he or she was denied the right to vote on March 15, 2016 due to unavailability of ballots, such voter shall be permitted to cast a ballot for the March 15, 2016 Adams County Primary Election;

8. That Respondent, as County Clerk, shall separately maintain and tabulate any and all ballots cast in extended voting as described above, and shall include such tabulation and vote count in the total Adams County vote count to be certified by Respondent when and as required by law, *and not certify the election results before March 29, 2016, absent court order.*
Enter this 17th day of March at 3:00 p.m.



Judge

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
ADAMS COUNTY, ILLINOIS**

People of the State of Illinois ex rel.)	
Connie Hornsey,)	
)	
Petitioner,)	
)	
v.)	No. 16 CH 24
)	
Chuck Venvertloh, Adams County Clerk,)	
)	
)	
Defendant.)	
<hr style="width: 40%; margin-left: 0;"/>)	
)	
People of the State of Illinois ex rel.)	
Lisa Madigan, Attorney General of Illinois,)	
)	
Intervenor,)	
)	
v.)	
)	
Chuck Venvertloh, Adams County Clerk,)	
)	
)	
Defendant.)	

**MOTION TO INTERVENE AND MOTION TO VACATE INJUNCTION
ORDER**

The intervenor, the People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of Illinois, moves the Court, pursuant to Section 2-408(a) of the Code of Civil Procedure, 735 ILCS 5/2-408(a), and Section 2-408(c) of the Code of Civil Procedure, 735 ILCS 5/2-408(c), for leave to intervene in this case because “the representation of the applicant’s interest by existing parties is or may be inadequate and the applicant will or may be bound by an order or judgment in the

action” and because the issues raised, the relief sought, and the injunction already entered by this Court, “involves the validity of a constitutional provision, statute, or regulation of this State and affecting the public interest.” *Id.*

INTRODUCTION

On every election day, complications unfortunately occur: election judges do not show up; equipment malfunctions; insufficient equipment is available; polls do not open on time; and lines are too long. Because of these complications, voters often are required to wait to vote, sometimes for long periods. As a result of these complications, some voters are unable to wait or choose not to wait and are unable to exercise their right to vote. It is the duty of election authorities to prepare in advance to avoid these complications and, if they occur, to act as quickly as possible to remedy them on election day. To do this, election authorities and courts have legally permissible ways to address those complications on election day to avoid disenfranchisement, often by obtaining a court order to extend voting hours on election day. These legally permissible remedies are not perfect (a voter who arrived at a polling place early in the morning but could not wait while election authorities acted to fix malfunctioning equipment may not be able to return to that polling place to vote during extended hours). But what is not allowed or even contemplated under the law – and has never occurred in Illinois – is to reopen the polls almost a week after election day for a select group of voters – unidentified and likely unidentifiable – long after the results have been publicly disclosed.

The mandatory injunction entered by this Court has ramifications that may affect the conduct of elections far beyond Adams County and long after the March 15 primary election. The injunction undermines the authority of the General Assembly to regulate elections and fix the time of elections as provided in the Election Code. And the injunction raises serious issues about the scope of the discretionary power of this Court (and any circuit court) to impose disparate rules for the conduct of elections, which are required by Article 3, section 4 of the Illinois Constitution to be subject to laws that are “general and uniform.” While laudable in its intent, the mandatory injunction usurps the General Assembly’s authority over the election process, creates an election process that is not equally applied across the State, and unfairly, and unconstitutionally, favors certain voters over others.

For these and additional reasons, and despite the importance of the individual citizen’s right to vote, we request that the injunction order be vacated.

BACKGROUND

The March 15 election and the State’s Attorney’s Petition

This is a presidential election year, and there was an exceptionally large turnout for the March 15 primary election. The size of the turnout apparently surprised a number of local election authorities (usually county clerks) who are responsible for managing elections in their jurisdictions. The Illinois Election Code requires that election authorities have sufficient ballots on hand to meet demand and specifies the minimum number of ballots. *See* 10 ILCS 5/16-5 (the county clerk is required to send to each polling place “at least 10% more ballots of the kind to be

voted in such precinct...than the number of voters registered therein for the purposes of such election.”). But, there were shortages, not just in Adams County, but also reportedly in Effingham, Kendall, McHenry, Sangamon, and other counties. In Piatt County and the City of Danville in Vermilion County, for example, election authorities devised various workarounds to meet the demand, and there were reports of several-hour delays in Madison and St. Clair Counties. A number of counties were subject to court orders extending voting hours on election day.

On March 17, 2016, the Adams County State’s Attorney filed a non-adversarial petition against the Adams County Clerk seeking an injunction order that would require the County Clerk to permit voting from March 21-25 at the office of the County Clerk. The State’s Attorney did not notify the Attorney General or the State Board of Elections until shortly before the March 17 hearing on the petition, and the State’s Attorney did not send the Attorney General the petition until after the order was entered. Although an Assistant Attorney General participated in a telephone conference with the court and State’s Attorney before the hearing, the Attorney General’s request that the hearing be postponed until the Attorney General could intervene was denied. To our knowledge, the State’s Attorney also did not notify any of the candidates, campaigns or poll watchers, all of whom have an interest in or may be affected by the order.

The petition states it sought relief only for voters in precincts that ran out of ballots, but neither the petition nor the order identified those precincts or which

voters in which precincts can vote during the “late-voting” period. The petition also does not describe what other measures the Clerk took or could have taken to permit voters to vote on election day, measures that in many other counties avoided the situation that prompted the petition. Upon information and belief, the Clerk knew well in advance of March 15 that turnout would be higher than usual, but the petition is silent as to what actions the Clerk took to prepare for high turnout. And notably, the affiant, Connie Hornsey, states that it was not the lack of ballots *per se* that prevented her from voting but the fact that the election officials closed the polls before additional ballots arrived.

Questions about what happened in Adams County

Because the petition and affidavit are scarce on details, there are many unanswered questions that bear upon the relief sought and the relief granted in the order. Specifically:

- Given the reportedly high early voting totals, why did the Clerk not print more paper ballots before election day?
- Once ballot shortages became apparent on election day – at some polling places reportedly before noon – why did the Clerk not print or copy a sufficient number of additional ballots on election day?
- It was reported that Xeroxed ballots were used; why weren’t those ballots taken to all precincts that had shortages of printed ballots?
- What did the Clerk and election officials do to document which voters did not vote specifically because there were no ballots and not because of some other reason – the lines were too long, the election officials closed the polls before additional ballots arrived, the voters were told erroneously that no additional ballots would be available, or other reasons?
- What did the Clerk and election officials do, if anything, to document which voters did not vote specifically because there were no ballots? Did they require

voters to sign the rolls, to sign their names on any other document, or nothing at all? How will the Clerk be able to distinguish between voters who did not vote because of a ballot shortage and other voters who did not vote for any number of other reasons such as malfunctioning equipment, long lines, or misinformation from election judges?

- Why did the Clerk and State's Attorney not seek a court order extending the time for voting past 8:30 p.m. when it became apparent that additional ballots (even Xeroxed ballots) would not be delivered to some precincts before 8:30 p.m.?
- Why did the Clerk not have voters directed to go to the Clerk's Office to vote, where presumably the Clerk either had additional ballots or could have produced additional ballots faster?
- Has the Clerk documented which precincts had ballot shortages, when the shortages occurred, and how many (and which) voters were not able to vote because of the shortages?

ARGUMENT

In order to be entitled to a permanent injunction, a plaintiff must establish that he or she has no adequate remedy at law, that he or she possesses a certain and clearly ascertainable right, and that he or she will suffer irreparable harm if no relief is granted. *Lucas v. Peters*, 318 Ill.App.3d 1, 15–16 (2000). In addition, a court considering injunctive relief should balance the equities. *Village of Wilsonville v. SCA Services, Inc.*, 86 Ill.2d 1, 27 (1981). Petitioner here has not satisfied these requirements for a permanent injunction, especially the requirement that notice be given to all affected parties, including candidates, campaigns and poll watchers.

Movant requests that this order be vacated. While the right to vote is of great importance in a democracy, and the disenfranchisement of any citizen is deeply regrettable especially if avoidable and caused by poor planning by the officials responsible for conducting elections, the right to vote does not exist in a vacuum.

Elections are extraordinarily complicated undertakings, requiring significant state regulation, as courts have long recognized. As the United States Supreme Court noted in *Burdick v. Takushi*, 504 U.S. 428, 441 (1992), “the right to vote is the right to participate in an electoral process that is necessarily structured to maintain the integrity of the democratic system.” Under Illinois’s structured electoral process, voting rights must be exercised pursuant to general laws, uniformly applied, subject to the equal protection clause of the U.S. Constitution and the correlative requirements of the state constitution that elections be “free and equal,” Ill. Const. art. III, § 3, and that election laws be “general and uniform,” Ill. Const. art. III, § 4.

The order entered by the Court injects a lack of uniformity and inequality into an election with statewide, indeed national, ramifications. In attempting to preserve voting rights for an unspecified number of people who might have been left out on March 15, the Court has issued an order that is inconsistent with the Illinois Election Code, provides extra rights to some but not all citizens, and opens the door to similar orders in other counties, which could lead to a succession of *ad hoc* solutions that neither the legislature, nor any case precedent we know of, has ever authorized. Moreover, significant integrity concerns are raised about the remedy the court has ordered.

To begin with, the order is inconsistent with the Illinois Election Code, which states in unambiguous and categorical language the date of primary elections: “In even-numbered years...an election to be known as the general primary election shall be held on the third Tuesday in March.” 10 ILCS 5/2A-1.1(a). We are aware of

precedent that extends the *hours* of voting on election day, but we are aware of no precedent extending actual in-person voting for any reason *after the election day*, no matter how compelling the reason, including natural disasters. And we are aware of no case suggesting the judicial branch of government can, by any exercise of discretion, permit people to vote after polls have closed and after voting results have been published. The Illinois Constitution requires that the General Assembly “by law shall . . . insure . . . the integrity of the election process.” Ill. Const. art. III, § 4. The General Assembly has done that by, among other things, establishing by law that the primary election shall take place on a particular date, the third Tuesday in March. 10 ILCS 5/2A-1.1(a) (All elections in this State shall be held in accordance with the consolidated schedule of elections established in Sections 2A-1.1 and 2A-1.2. No primary election may be held on any date other than a date on which an election is scheduled under Section 2A-1.1). This court’s injunction order cannot be reconciled with the constitutional allocation of authority to the General Assembly to insure the integrity of the election process by specifying a date certain for the primary election.

Moreover, if voting is extended here, it could be extended in any county where similar problems occurred. Close elections might be contested or reopened, results questioned, and the overall integrity of the process undermined. Some State’s Attorneys or County Clerks could seek to keep polls open, others not, depending on reasons having nothing to do with enfranchising voters. Notably, because the results of the March 15 election are known now, people voting next

week would not be casting their ballots from the same original position as everyone else who voted early or on election day. Voters in other counties, who faced similar problems, would not be treated the same. At least it can be said that the problems of March 15, to the extent they fell on voters, fell randomly and presumably impacted voters and candidates across the political spectrum. Voting after the results are known creates different incentives, including the incentive for people who did not even attempt to vote to do so now. Too much unbounded discretion, by one court or county clerk, or several, over the electoral process simply poses too many hazards of differential treatment, in clear violation of the constitutional command that elections be "free and equal."

The parties might point to the affidavit requirement, but history shows that for those determined to win an election by unlawful means, certifications, affidavits, and other such safeguards mean very little. Patterns of fraud in circulating nominating petitions, to take one example, are quite common in this state's electoral history.

One need only to look at other voting requirements to recognize the problems presented by the remedy ordered here. Even with early voting by mail, there are certain safeguards and regularities not present here. First, the early voting by mail process was carefully designed by the legislature and enacted into law. Second, the voter is required to personally sign the sealed envelope containing the ballot and certify its authenticity. And, most important, the ballot has to be postmarked on or before election day. There is no grace period for ballots mailed after election day.

Similarly, military ballots, even from military personnel in war zones, must be postmarked by the day of the election or they will not be counted.

Nor can it be said that an open-ended remedy like the one here, which does not specify which precincts or which voters are affected, is workable. Is the County Clerk prepared to turn away voters from precincts thought not to have had a problem if the voter signs an affidavit to the contrary? Is the Court prepared to adjudicate those disputes if they happen? Would candidates separated by a vote or two have standing to intervene and contest votes on an individual basis, in addition to filing a statutory election contest? If it happened again, would this be the precedent for the general election in November, with a presidential contest at stake and requirements to certify the result in time for the Electoral College to vote? And an order like this one in a federal general election would raise serious federal constitutional and statutory concerns. *See* 2 U.S.C. §§1, 7; 3 U.S.C. §1; U.S. Const. art. I, § 4, cl. 1; art. II, §1. U.S. Const. art. I, § 4, cl. 1; art. II, §1. These are the sorts of questions best left to the General Assembly, which can devise uniform statewide standards, with ample time to consider and address the requirements of federal law and the state constitution, if it believes some remedy is needed for problems like this in the future. We understand the Court is trying to solve a local problem with an apparently local injunction. But the ramifications are not limited to Adams County. It is a statewide electoral system that cannot be subjected to *ad hoc* exceptions, no matter how well intentioned, by one circuit court in one county.

Uniform treatment across local jurisdictions has been required by the courts in numerous election cases, most notably in *Bush v. Gore*, 531 U.S. 98 (2000), which invalidated a recount in which different counties used different standards to count ballots. “As seems to have been acknowledged at oral argument, the standards for accepting or rejecting contested ballots might vary not only from county to county but within a single county from one recount team to another.” *Id.* at 106. This injunction squarely violates that principle, creating voting privileges for one county over another (and maybe, given the injunction’s vagueness, for one precinct over another). Illinois law likewise forbids disparate or two-track voting procedures. In *Orr v. Edgar*, 288 Ill.App.3d 1088 (1st Dist. 1996), the Court struck down the State’s two-tier system of voter registration, one for national elections and the other for state and local elections. The court found these different systems violated the “free and equal” elections clause, and the equal protection clause.

Here, the problem was created by a Clerk who, because he was trying to save money or because he was simply unprepared, admittedly¹ violated State law that requires a certain number of ballots be printed for an election. Then, to compound the problem, the Clerk failed to take any number of other workaround actions that other election officials across the State did take that would have addressed the ballot shortage such that voters would have been able to vote on election day, even if that required waiting for a long period.

¹ <http://www.whig.com/article/20160316/ARTICLE/303169633/1001>.

This Court should not attempt to address the Clerk's violation of the law by ordering a remedy that also violates long-standing law. This Court's order, if allowed to be implemented, will open the floodgates to other election mischief and unfairness. The Court's order would be cited as a basis to allow post-election day voting for any number of reasons that arguably are not the fault of the voters: malfunctioning equipment, long lines, incompetent election officials or judges, misprinted ballots, misinformation about voting times or locations, or other reasons. Its ramifications would be felt for years to come.

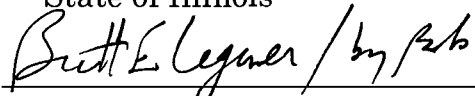
CONCLUSION

A permanent injunction is an extraordinary remedy, and the impact on third parties (sometimes stated as the public interest) has to be taken into account. *See Douglas Theater Corp. v. Gold Standard Enters., Inc.*, 188 Ill. App. 3d 573, 579 (1st Dist. 1989). We understand that the Court, ruling in an emergency fashion on March 17, did not have the benefit of full briefing on behalf of the Attorney General or other interested parties. We respectfully ask the Court to reconsider the order, and vacate it. If it does not, we ask the Court to stay the order pending an emergency appeal to the Illinois Appellate Court or Supreme Court.

March 18, 2016

Respectfully submitted,

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STATE BOARD OF ELECTIONS

Meeting Schedule
JULY 1, 2016 - JUNE 30, 2017
Revised 4/11/16

	Monday, July 18	Springfield
*	Friday, August 26	Chicago
	Monday, September 19	Springfield
	Tuesday, October 18	Chicago
	Monday, November 21	Springfield
**	Friday, December 9	Chicago
***	Tuesday, January 17	Springfield
***	Wednesday, February 22	Chicago
	Monday, March 20	Springfield
	Tuesday, April 18	Chicago
	Monday, May 15	Springfield
	Tuesday, June 20	Chicago
*	The statutory deadline for certification of the November general election ballot	
**	The statutory deadline for Proclamation of results of the November general election is December 9. Judges take office on the first Monday of December so a meeting prior to December 5 will be necessary to certify at least those results.	
***	Regular meeting date changed due to holiday	

Meetings between the Springfield and Chicago offices will be connected via video conference if the necessary equipment is available. All meetings will begin at 10:30 a.m. Dates, times and location of the meetings are subject to change. Notice of any changes will be posted prior to the meeting or information can be obtained by calling 217/782-4141 or 312/814-6440.

Springfield – 2329 S. MacArthur, Springfield, Illinois
Chicago – 100 W. Randolph, Chicago, Illinois